IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16684 of 2004

Between:

Upperla Ganapathi, S/o. Laxminarayana,
R/o.11-63, Alamuru Village and Mandal, East Godavari District.

..... PETITIONER

AND

1 The Deputy Registrar of Cooperative Societies, Rajahmundry,

East Godavari District.
2 The Someswaram Primary Agriculture Cooperative Credit

Society Ltd, Someswaram, East Godavari District Rep. by its

Chair Person/person Incharge Committee.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the 1st respondent in directing the 2nd respondent vide proceedings in R.C.No.2627/2002-F3 dated 17.8.2004 place me under suspension and consequential action of the 2nd respondent placing me under suspension vide his proceedings dated 25.8.2004 as illegal, arbitrary and violative of Article 14 and 21 the Constitution of India.

Counsel for the Petitioner:MR.Y.V.SRINIVASAN

Counsel for the Respondent No.1: GP FOR COOPERATION

The Court at the admission stage made the following :

ORDER:

The present writ petition is filed challenging the action of the first respondent in directing the second respondent to place the writ petitioner under suspension and the consequential action of the second respondent in placing the petitioner under suspension.

Learned counsel appearing for the petitioner contended that the petitioner was not responsible for the alleged charges of misappropriation of funds and therefore, he was unnecessarily placed under suspension.

Learned counsel appearing for the first respondent contended that whether the petitioner was responsible for misappropriation of certain funds as mentioned in the proceedings of the Chairperson, Someswaram Primary Agriculture Cooperative Credit Society Limited, dated 25.08.2004, is required to be gone into at the time of enquiry only.

The competency or jurisdiction of the first respondent in directing the second respondent to place the petitioner under suspension is not under challenge and it is only a suspension pending enquiry. Basing on the directions issued by the first respondent, by exercising the powers under Section 59(1) of Andhra Pradesh Cooperative Societies Act, the second respondent-society placed the petitioner under suspension in view of serious allegations of misappropriation of funds of the society. The impugned proceedings do not suffer from any serious infirmities, so as to call for interference by this Court. Whether the petitioner is responsible for misappropriation of funds or not is required to be gone into at the time of enquiry to be conducted by the Enquiry Officer in the departmental proceedings.

Hence, the writ petition is disposed of with a direction to the respondents to conduct enquiry against the petitioner within a period of four months from the date of receipt

of a copy of this order. It is also made clear that the petitioner is entitled for the subsistence allowance, as per rules.

_____

07.12.2004

Jsu

To

1 The Deputy Registrar of Cooperative Societies, Rajahmundry,

East Godavari District.

2 Chair Person/person Incharge Committee, Someswaram

Primary Agriculture Cooperative Credit Society

Ltd, Someswaram, East Godavari District.

3 2CCs to the Government Pleader for Cooperation, High Court

Buildings, Hyderabad. (O.U.T)

4 2CD copies.